S.B. CIVIL WRIT PETITION NO.1166/2004
Asrar Ahmed Khan Vs. State of Raj. & Ors.

Date : 8.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. G.K. Vyas, for the petitioner.

Mr. L.R. Upadhyay, Dy.GA. for the respondents.

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Heard learned counsel for the parties.

Brief facts of the case are that the petitioner was appointed as Chairman of Rajasthan Minority Finance and Development Cooperative Corporation, Jaipur (for short "Corporation") vide order dated 29.1.2003 (Annex.1). The petitioner was removed by order dated 28.2.2004 (Annex.2).

According to learned counsel for petitioner, the petitioner was appointed for three years and his appointment was in accordance with Bylaw No.15 but the respondents have removed the petitioner without assigning any reason and without giving any opportunity of hearing to the petitioner.

Learned Dy. Govt. Advocate submitted that in view of the power given by bylaw no.17, the Government has power to cancel the nomination of any member of Board including Chairman and nominate any other person in his place without assigning any reason. He further stated that the State in its discretion passed the order of removal of the petitioner without putting any stigma on the petitioner. It is also submitted that bylaw no.17 is not under challenge.

It is also submitted that the Bylaw No.17 clearly provides that removal may be without assigning any reason and, therefore, in such circumstances, there was no necessity of serving any notice or giving any opportunity of hearing to the petitioner because of the reason that the State Government is not required to call upon the petitioner to show any reason for not removing him within the period for which he was appointed.

I have considered the rival submissions.

The petitioner took the benefit of bylaws namely bylaw no.15 and obtained appointment. The petitioner, after availing benefit, is challenging the action of the respondents which has been taken by them by exercising power under bylaw no.17. Bylaw no.17 is not under challenge. The State Government has passed the order under bylaw no.17, therefore, there appears to be no illegality in the order dated 28.2.2004.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya